



## COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

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**COUNCIL MEMBERS**

Dennis Kennedy, Mayor  
Larry Carr, Mayor Pro Tempore  
Hedy L. Chang, Council Member  
Greg Sellers, Council Member  
Steve Tate, Council Member

**REDEVELOPMENT AGENCY**

Dennis Kennedy, Chair  
Hedy L. Chang, Vice-Chair  
Larry Carr, Agency Member  
Greg Sellers, Agency Member  
Steve Tate, Agency Member

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**WEDNESDAY, SEPTEMBER 4, 2002**

**AGENDA**

**JOINT MEETING**

**CITY COUNCIL SPECIAL AND REGULAR MEETING**

**and**

**REDEVELOPMENT AGENCY SPECIAL MEETING**

**6:00 P.M.**

***A Special Meeting Is Called at 6:00 P.M. for the Purpose of  
Conducting Closed Sessions.***

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**Dennis Kennedy, Chairman/Mayor**

**CALL TO ORDER**

(Mayor/Chairperson Kennedy)

**ROLL CALL ATTENDANCE**

(City Clerk Torrez)

**DECLARATION OF POSTING OF AGENDA**

**Per Government Code 54954.2**

(City Clerk Torrez)

**6:00 P.M.**



## ***City Council Action and Redevelopment Agency Action***

### **OPPORTUNITY FOR PUBLIC COMMENT**

#### **CLOSED SESSION:**

**1.**

#### **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Pursuant to Government Code 54957

Public Employee Performance Evaluation: City Manager

Attendees: City Council, City Manager

**2.**

#### **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Significant Exposure to Initiation of Litigation

Authority: Government Code Sections 54956.9(b) & (c)

Number of Potential Cases: 2

**3.**

#### **CONFERENCE WITH LEGAL COUNSEL - POTENTIAL AND EXISTING LITIGATION:**

#### **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Legal Authority: Government Code 54956.8 & 54956.9(a) & (c) (1 potential case)

Real Property(ies) involved: APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Cochrane Road (St. Louise Hospital property)

City Negotiators: Agency Members; Executive Director; Agency Counsel; F. Gale Conner, special counsel; Rutan & Tucker, special counsel

Case Name: San Jose Christian College v. City of Morgan Hill

Case Numbers: Ninth Circuit Court of Appeal No. 02-15693

Closed Session Topic: Potential Existing Litigation/Real Estate Negotiations

**4.**

#### **EXISTING LITIGATION:**

Case Title: Kennedy et al. v. Davis et al.

Case Name/No.: Santa Clara County Superior Court Case No. CV 803679

### **ADJOURN TO CLOSED SESSION**

### **RECONVENE**

### **CLOSED SESSION ANNOUNCEMENT**

**7:00 P.M.**

#### **CALL TO ORDER**

“Mayor for the Day”

*Lauren Spicer*

#### **SILENT INVOCATION**

#### **PLEDGE OF ALLEGIANCE**



“Mayor for the Day”  
*Lauren Spicer*

**PROCLAMATION**  
“Mayor for the Day”  
*Lauren Spicer*

“Patriot Day”  
*Mayor Kennedy*

**CITY COUNCIL REPORT**  
Council Member Tate

**CITY MANAGER'S REPORT**

**CITY ATTORNEY'S REPORT**

**OTHER REPORTS**

**PUBLIC COMMENT**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME  
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND  
PRESENT IT TO THE DEPUTY CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE CITY  
CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY  
COUNCIL/REDEVELOPMENT AGENCY.**

## ***City Council Action***

### **CONSENT CALENDAR:**

The Consent Calendar, Agenda Items #1 through #9, and Item #10, may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

#### **Time Estimate**

**Consent Calendar: 1 - 10 Minutes**

**Page**

- |    |   |    |
|----|---|----|
| 1) | <b><u>RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) 2002 QUARTERLY REPORT<br/>NUMBER 3</u></b> .....  | 1  |
|    | <b><u>Recommended Action(s):</u> <u>Accept</u> and <u>File</u> the RDCS Third Quarter Report.</b>   |    |
| 2) | <b><u>SUBDIVISION APPLICATION SD 02-02: COCHRANE-COYOTE ESTATES</u></b> .....   | 19 |
|    | <b><u>Recommended Action(s):</u> <u>Take No Action</u>, Thereby Concurring With the Planning Commission's Decision Regarding Approval of the Subdivision Map.</b> |    |
| 3) | <b><u>SUBDIVISION AMENDMENT: SDA-00-15: HALE-DELCO (SHENG)</u></b> .....  | 43 |



	<b><u>Recommended Action(s): Take No Action</u></b> , Thereby Concurring With the Planning Commission's Decision Regarding Approval of the Subdivision Map Amendments.	
4)	<b><u>SKATE PARK RELOCATION SURVEY</u></b> ..... <b><u>Recommended Action(s): Accept</u></b> Report of a Survey Regarding the Future Relocation of the Temporary Skate Park.	53
5)	<b><u>ESTABLISHMENT OF ADDITIONAL BUILDING INSPECTOR POSITION AND PUBLIC SAFETY DISPATCHER POSITION FOR LIMITED PERIOD BECAUSE OF UNUSUAL CIRCUMSTANCES</u></b> ..... <b><u>Recommended Action(s):</u></b> 1. <b><u>Establish</u></b> Additional Building Inspector Position and Public Safety Dispatcher Position For Limited Period; 2. <b><u>Appropriate</u></b> \$72,302 in the Community Development Fund (206) for Fiscal Year 2002/2003; and 3. <b><u>Appropriate</u></b> \$64,492 in the General Fund (010) for Fiscal Year 2002/2003.	55
6)	<b><u>APPROVAL OF IMPROVEMENT AGREEMENT WITH RICHARD A. RAYNES, ROBERT C DOBKIN, AND KATHLEEN C. DOBKIN FAMILY TRUST</u></b> ..... <b><u>Recommended Action(s):</u></b> 1. <b><u>Approve</u></b> the Improvement Agreement, Subject to Review by the City Attorney; and 2. <b><u>Authorize</u></b> the City Manager to Sign the Agreement on Behalf of the City With the Richard A. Raynes, Robert C. Dobkin, and Kathleen C. Dobkin Family Trust.	59
7)	<b><u>CHANGE ORDER APPROVAL FOR ADDITIONAL WORK ON THE 2001/2002 ROADWAY REPAIR AND SLURRY SEAL PROJECT</u></b> ..... <b><u>Recommended Action(s): Approve</u></b> Change Order in the Amount of \$76,315.00 From the 2002/2003 Pavement Rehabilitation Project for Additional Work on the 2001/2002 Roadway Repair and Slurry Seal Project by Contractor Silicon Valley Paving.	71
8)	<b><u>ACCEPTANCE OF SUBDIVISION IMPROVEMENTS FOR TRACT 9158, THE VILLAS PHASE II SUBDIVISION</u></b> ..... <b><u>Recommended Action(s):</u></b> 1. <b><u>Adopt</u></b> Resolution 5611 Accepting the Subdivision Improvements Included in Tract 9158, Commonly Known as The Villas Phase II; and 2. <b><u>Direct</u></b> the City Clerk to File a Notice of Completion With the County Recorder's Office.	75
9)	<b><u>AMENDMENT TO THE MANAGEMENT RESOLUTION</u></b> ..... <b><u>Recommended Action(s): Adopt</u></b> Resolution 5612 Amending the Management, Professional and Confidential Employees Resolution 5571 to Assign A New Job Description and Salary Range for Position of Senior Project Manager/Community Buildings.	81

## ***City Council and Redevelopment Agency Action***

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
10)	<b><u>APPROVAL OF SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF AUGUST 21, 2002</u></b> .....	91



## City Council Action

### PUBLIC HEARINGS:

	Time Estimate		Page
11)	5 Minutes	<b><u>DEVELOPMENT AGREEMENT DA 02-02: COCHRANE-COYOTE ESTATES</u></b> . . . . .	113
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed. Council Discussion. Action- <u>Motion to Waive</u> the Reading in Full of Ordinance 1583, New Series. <u>Motion to Introduce</u> the Ordinance 1583, New Series by Title Only. (Roll Call Vote)	
12)	60 Minutes	<b><u>ZONING AMENDMENT APPLICATION ZA-01-23: COCHRANE IN-N-OUT BURGER</u></b> . . . . .	141
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed. Council Discussion. Action- <b><u>Adopt</u></b> Resolution Denying Zoning Amendment (ZA) Application <b><u>OR</u></b> Action- <b><u>Approve</u></b> Mitigated Negative Declaration Action- <u>Motion to Waive</u> the Reading in Full of Ordinance. <u>Motion to Introduce</u> the Ordinance by Title Only. (Roll Call Vote)	

## City Council Action

### OTHER BUSINESS:

	Time Estimate		Page
13)	15 Minutes	<b><u>REVIEW OPTIONS FOR CORY LANE DUPLEX</u></b> . . . . .	187
		<b><u>Recommended Action(s):</u></b> 1. <b><u>Review Options</u></b> for Cory Lane Duplex; and 2. <b><u>Direct</u></b> Staff on How to Proceed.	
14)	20 Minutes	<b><u>COMMUNITY AND CULTURAL CENTER PROJECT ADDITIONAL FUNDING REQUEST</u></b> . . . . .	197
		<b><u>Recommended Action(s):</u></b> 1. <b><u>Appropriate</u></b> an Additional \$480,000 From the Current Redevelopment Agency's Project Contingency Balance to Augment the Total Project Budget, 2. <b><u>Appropriate</u></b> \$250,000 for Park Development Costs From the Current Unappropriated Park Impact Fund Balance, 3. <b><u>Approve</u></b> Amendment to Consultant Agreement with Consolidated CM to Add \$80,590 to Their Current \$284,545 Contract, Subject to Review by the City Attorney; and 4. <b><u>Approve</u></b> Amendment to Consultant Agreement With David F. Eddings Associates to Add \$28,800 to Their Current \$96,000 Contract, Subject to Review by City Attorney.	



15)	5 Minutes	<b><u>REQUEST FROM SANTA CLARA COUNTY DOMESTIC VIOLENCE COUNCIL FOR CITY SPONSORSHIP OF THE 10<sup>TH</sup> ANNUAL DOMESTIC VIOLENCE CONFERENCE</u></b> .....	209
		<b><u>Recommended Action(s):</u></b> Council <b><u>Discussion</u></b> and <b><u>Direction</u></b> .	

**SECOND READING OF ORDINANCE:** Full Reading Waived By Majority Vote.  
(Government Code Section 36934)  
**Action -- Adopt** Ordinance by roll call vote.

16)	1 minute	<b><u>ADOPT ORDINANCE NO. 1581, NEW SERIES</u></b> .....	215
		An Ordinance of the City Council of the City of Morgan Hill Amending Sections 3.56.050 of Chapter 3.56 (Development Impact Mitigation Fees) of Title 3 (Revenue and Finance) of the Municipal Code of the City of Morgan Hill Regarding Development Impact Mitigation Fees.	
17)	1 minute	<b><u>ADOPT ORDINANCE NO. 1582, NEW SERIES</u></b> .....	221
		An Ordinance of the City Council of the City of Morgan Hill Approving of a Development Agreement, DA-02-03: Hale-Glenrock/Shea for Application MP 01-04: Tilton-Glenrock (APN's 764-09-026 & 027).	

## ***Redevelopment Agency Action***

### **OTHER BUSINESS:**

	Time Estimate		Page
18)	10 Minutes	<b><u>WATSONVILLE ROAD HOUSING CONCEPT</u></b> .....	225
		<b><u>Recommended Action(s):</u></b> <b><u>Approve</u></b> the Development Concept for Teacher/Police Officer/Other Public Employee Housing on the Redevelopment Agency Owned Property on Watsonville Road.	

### **FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

### **ADJOURNMENT**